VILLAGE OF FONTANA ON GENEVA LAKE WALWORTH COUNTY, WISCONSIN

(Official Minutes)

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES Monday, October 28, 2013

President Arvid Petersen called the special meeting of the Board of Trustees to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Village Board members present: (Roll Call) President Petersen, Rick Pappas, Cindy Wilson, George Spadoni, Bill Gage, Pat Kenny (arrived at 5:48 pm), Tom McGreevy (arrived at 5:55 pm) Also Present: Administrator/Treasurer Kelly Hayden, Clerk Dennis Martin, Village Attorney Dale Thorpe

Closed Session

Trustee Spadoni made a motion, seconded by Trustee Gage to go into closed session. Trustee Pappas asked Attorney Thorpe about the letter he sent out to the Village Board members with regard to what can be discussed in closed session and what has to be discussed in open session. Thorpe stated that general policy decisions must be discussed in open session with regard to village employee positions, and only specific employees or candidates can be evaluated in closed session; however, a general discussion or decision on whether to fill an existing position or create a new position has to take place in open session. Pappas stated that he just wanted to make sure that the Village is not violating the Open Meetings laws. Pappas stated that he also has a concern with the property sale items which have not been discussed in open session, where the initial concepts of selling public property or park land or purchasing land have to commence. Thorpe stated that property sale and purchase items can be appropriate for both open and closed sessions, and it depends on the specific topics. Spadoni stated that he just wanted to present some names for consideration in closed session. Thorpe stated that he will make sure the closed session items are in accordance with the state statutes. Pappas asked if the closed session should be recorded in the same manner that open sessions are recorded, and Thorpe replied that closed sessions should not be recorded. Trustee Spadoni/Trustee Gage 2nd made a MOTION to go into Closed Session pursuant to Wis. Stats. Chapter 19.85 (1)(c), "considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility," specifically interviewing and recommendation on Fire and Rescue Department Deputy Chief position, negotiations for interim administrator, treasurer, or administrator/treasurer and interim director of public works, street and utility director, and Chief of Police; and pursuant to Wis. Stats. Chapter 19.85 (1)(e), "deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require," specifically the 138 Fontana Blvd. Development Site, the Duck Pond Development Site, the Village lakefront building at 468 Lake Street., and 102 W. Main Street, Interim administrator, treasurer, or administrator/treasurer, interim director of public works, and consulting contract for administrator. The Roll Call vote was as follows:

<u>Trustee Kenny – Aye</u>

Trustee Pappas – Aye

<u>Trustee Wilson – Aye</u>

<u>Trustee Spadoni – Aye</u>

<u>Trustee Gage – Aye</u>

<u>President Petersen – Aye</u>

The MOTION carried on a 6-0 vote, with Trustee McGreevy not yet present at 5:51 pm.

Trustee McGreevy left the meeting room from 6:03 pm to 6:12 pm during the discussion on the Duck Pond Development site as he is a partner in the West End Holdings, LLC group that is negotiating with the Village Board.

Fire and Rescue Department Chief Wolfgang Nitsch, and Rescue Squad members Courtney Castelein and Jennifer Special were invited into the closed session at 6:23 pm for interviews of Castelein and Special for the new Fire and Rescue Department Deputy Chief position. Kelly Hayden left the room at 6:50 pm during a discussion on a consulting contract for her financial and treasurer services after her resignation takes effect.

Trustee Spadoni/President Petersen 2nd made a MOTION at 7:01 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

Closed Session Business

One of the items discussed in the Closed Session was the annual lump sum payments approved for the new Director of Streets Ron Adams and Director of Utilities Dennis Barr. At a September 13, 2013 special meeting, the Village Board unanimously approved a motion to authorize \$16,000 lump sum salary payments for 2013 for Adams and Barr to be paid equally over the 26 annual pay periods, with the first payment to be made on the next payroll check for the first 20 pay periods of 2013. The Village Board also directed staff at the September 13, 2013 meeting to add the first payment of the lump sums for Barr and Adams to their next payroll checks even if the required union contract memo of understanding had not been approved, and even if the new job descriptions had not been executed. In the closed session, it was reported that the union contract memo of understanding is still pending, and that Adams and Barr still have not signed their new job descriptions.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to direct staff to not pay the lump sum payment installments on the payroll checks for Director of Streets Ron Adams and Director of Utilities Dennis Barr until their new Village of Fontana job descriptions have been signed and the approved Memo of Understanding for the AFSCME Union contract has been signed. The MOTION carried without negative vote.

General Business

Accept Resignation of Administrator/Treasurer and consider consulting contract

Administrator/Treasurer Kelly Hayden submitted a resignation letter on October 9, 2013 which states per her contractual obligation she is giving her 60 calendar day notice and her last date of fulltime employment will be December 7, 2013. The letter states in part: "I have gained so much experience, personal growth, and lasting friendships throughout my tenure here at Fontana, and I look forward to expanding my career path as I have accepted a management position with the City of Delavan."

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to accept with regrets the resignation of Administrator/Treasurer Kelly Hayden, and to direct the Village attorney to negotiate a proposed contract for Hayden to provide administrative support during the transition following her departure. The MOTION carried without negative vote.

Approval of Interim Administrator, Interim Treasurer or Interim Administrator/Treasurer

Trustee Spadoni made a motion, seconded by Trustee Kenny, to direct the Village attorney to negotiate a proposed contract with retired City of Delavan Administrator Joe Salitros, 129 Eagle Pointe Drive, Unit B, Delavan, to serve as an interim village administrator following Hayden's departure. Wilson asked Spadoni how he came up with the proposal if the Village Board has not met since Hayden submitted her resignation letter. Spadoni stated that he and Petersen came up with the idea for the proposed interim employees after meeting with the village attorney and with Joe Salitros. McGreevy stated that he was under the impression from previous experience with the Village Board that the village requires all new employees to go through background checks. McGreevy asked if a background check had been completed on Salitros. Petersen stated that if a contract can be negotiated, and if it receives final approval, a background check could be completed.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to direct the Village attorney to negotiate a proposed contract with Joe Salitros, 129 Eagle Pointe Drive, Unit B, Delavan, to serve as an interim village administrator, and the MOTION carried without negative vote.

Trustee Spadoni made a motion, seconded by Trustee Kenny, to direct the Village attorney to negotiate a proposed contract with Scott Vilona, 879 Van Slyke Drive, to serve as a short-term treasurer during the transition following Hayden's departure. Pappas asked if Vilona will have to resign his current positions on the Finance Committee and Plan Commission if he becomes a village

employee. Petersen replied that yes, Vilona will have to resign his appointments if he is hired as the interim treasurer.

Trustee Spadoni/Trustee Kenny 2nd made a MOTION to direct the Village attorney to negotiate a proposed contract with Scott Vilona, 879 Van Slyke Drive, to serve as an interim village treasurer, and the MOTION carried without negative vote.

Approval of Interim Director of Public Works

Trustee Spadoni made a motion, seconded by Trustee Kenny, to direct the Village attorney to negotiate a proposed contract with Alan Kaminski, the current Police and Fire Commission chairman and owner of the residence at 905 Tarrant Drive, to serve as an interim Director of Public Works. Wilson stated that at a special meeting held September 13, 2013 the Village Board approved a motion that was made by Spadoni to authorize Public Works Committee Chairman McGreevy to take total control of the process for the Public Works Committee to make a recommendation to the Village Board on hiring a replacement or replacements for the director of public works position; to determine and complete the drafting of the director of public works job description(s), the hiring criteria, the job posting method and the interviewing and selection process; and to complete any other necessary steps as determined by the chairman and the committee members. Wilson asked McGreevy if the committee had made a recommendation. Spadoni stated that he asked McGreevy if he would be in favor of hiring Kaminski to serve as an interim administrator of the Public Works Department, and that McGreevy responded that he would. McGreevy stated that Spadoni asked him if he would support Kaminski to serve as an interim village administrator, not the administrator of the DPW. McGreevy stated that he would support the appointment of Kaminski to serve as the interim village administrator, but not as the interim administrator of the DPW. McGreevy stated that Kaminski has no experience with public works and there also is no need for an interim administrator of the DPW. McGreevy stated that the Public Works Committee met October 12, 2013 and unanimously approved a motion to recommend to the Village Board that in light of the resignation of Administrator/Treasurer Hayden, the Village Board should commence the process to hire a new Treasurer/administrative assistant who has a financial management and/or accounting background to perform the treasurer's duties and to assist Director of Utilities Dennis Barr, Director of Streets Ron Adams and the Village Hall staff; to not pursue the hiring of a Department of Public Works director or administrator; and to not pursue the hiring of an interim village administrator. Spadoni stated that he is now suggesting something different. Spadoni stated that he talked to Hayden and the administrative operations are not under control at the DPW and that nothing is being done. Spadoni stated that overtime hours are also out of control. McGreevy replied that the DPW is currently fully staffed and running smoothly and all the annual applications that are submitted at this time of the year have been filed. Pappas stated that he has a question on how the Village will pay all the new employees being recommended by Spadoni. McGreevy stated that all that is needed is an administrative assistant and a fulltime treasurer, and Barr and Adams should be allowed to continue running the DPW. Wilson stated that the Village Board could also wait to solicit more information and ideas for the staffing needs before approving the hiring of interim administrators and a treasurer. Pappas stated that if the Village Board ultimately decides to hire an administrator and a treasurer, the administrator would have plenty of time to provide any necessary administrative assistance to Barr and Adams. Pappas stated that the Village Board should wait and see how the interim administrator and interim treasurer work out before approving the hiring of an interim DPW administrator. Pappas stated that he also does not see any qualifications for the Kaminski to be any benefit to the DPW. Pappas stated that Kaminski would not be performing any of the labor duties that former DPW Director Craig Workman used to undertake as well as his administrative duties, and there is no need for an administrator to be sitting in an office out at the DPW garage site. Pappas stated that hiring Kaminski would not reduce any of the overtime hours at the DPW and it would not solve any other perceived problems. Wilson stated that there has been no other solution to finding a successor for Workman and it has not been determined if the new director positions are working or not. Petersen stated that the intent of proposal to hire Kaminski as the interim DPW director until the Village hires a fulltime DPW director, and if approved, the Village Board can decide if it wants to make a change in the future. Gage stated that everybody has good ideas even though their opinions differ; however, this was the first time he had heard about the proposal to hire Kaminski as the interim DPW director. Gage stated that he is not certain if he should support the proposal or not. McGreevy stated that he just doesn't know what job duties Kaminski could perform at the DPW on a daily basis, and

that there are no job duties that aren't being covered at this time. Gage suggested that the motion to direct the Village attorney to negotiate a proposed contract with Alan Kaminski for interim DPW director services should be withdrawn at this time and the proposal can be discussed further at the next meeting. Spadoni and Kenny stated that they wanted to remove their motion on the floor. Trustee Spadoni/Trustee Pappas 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Deputy Chief and Captain Positions with Fire/Rescue

Fontana Fire and Rescue Department members Courtney Castelein and Jennifer Special were interviewed in the closed session by the Village Board for the new Deputy Chief position. Trustee Spadoni/Trustee Kenny 2nd made a MOTION to approve the appointment of Courtney Castelein as the Deputy Chief for the Fontana Fire and Rescue Department, and the MOTION carried without negative vote.

Trustee Kenny had to leave the meeting at 7:25 pm.

Abbey Harbor Bridge T&M Repair

The bridge on South Lakeshore Drive that crosses the inlet to the Abbey harbor requires emergency repair work on both sides of the bank. Recent truck traffic for contractors going to and from the Stewart Excavation pit with fill from a residential construction site on South Lakeshore Drive, and from the usual truck traffic that goes through the village has caused the bridge support concrete to break away and crumble. There are holes completely through the foundation from just below the surface level and the bridge could fall apart at any time. The recently reconstructed West Main Street is also in very bad shape from the truck traffic that goes to and from Stewart Excavation. Pappas stated that there is not much land left on the banks or surface area on the bridge that can be improved with asphalt. Petersen stated that the Village Board should provide authorization to Adams to have the bridge repaired as soon as possible.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to authorize Director of Streets Ron Adams to contract to have the bridge repaired as necessary, for an amount not to exceed \$60,000. The MOTION carried without negative vote.

Increase Rescue Call Fees

Fire and Rescue Department Chief Nitsch presented a spreadsheet with suggested increases for the rates charges for fire and rescue emergency calls. At a previous meeting, Nitsch stated that the proposed fees increase the Fontana rates to be in line with other local municipalities. The fee schedule sets base rates for Residents, Non-residents, Basic Life Support, Advanced Life Support Level 1, Advanced Life Support Level 2, Intercept services, a service charge for non-transport calls, and charges for mileage and oxygen. Staff was directed to format the distributed Fontana Fire and Rescue Department billing rate spreadsheet into Resolution 10-28-13-01.

Trustee Spadoni/President Petersen 2nd made a MOTION to approve Resolution 10-28-13-01, amending the fees for Fontana Fire and Rescue Department billing as presented, and the MOTION carried without negative vote.

2013 & 2014 Chief of Police Raise

The \$10,000 that has been included in the preliminary 2014 budget for a wage increase for Police Chief Steve Olson was discussed in the closed session.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Adjournment

<u>Trustee Pappas/President Petersen 2nd made a MOTION to adjourn the Village Board meeting at 7:32 pm, and the MOTION carried without negative vote.</u>

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board, the official minutes will be kept on file at the Village Hall.

APPROVED: 11/11/2013